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Atari Interactive, Inc.

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

10  
11 ATARI INTERACTIVE, INC.,

12 Plaintiff,

13 vs.

14 REDBUBBLE, INC.,

15 Defendant.

16 AND RELATED ACTIONS  
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Case No. 4:18-cv-03451-JST

*[Related to Case Nos. 3:18-cv-03843-JST; 3:18-cv-04115; 4:18-cv-04949-JST; and 4:19-cv-00264-JST]*

**DECLARATION OF FRANCISCO  
CUELLAR IN SUPPORT OF ATARI  
INTERACTIVE, INC.'S OPPOSITION TO  
REDBUBBLE, INC.'S MOTION FOR  
SUMMARY JUDGMENT AND REPLY IN  
SUPPORT OF ITS MOTION FOR  
SUMMARY JUDGMENT**

Judge: Hon. Jon S. Tigar

Date: July 15, 2020

Time: 2:00 p.m.

Crtrm.: 6 - 2nd Flr.

**DECLARATION OF FRANCISCO CUELLAR**

I, Francisco Cuellar, declare and state as follows:

1. I am the Office Services Manager for Browne George Ross LLP, counsel of record for Atari Interactive, Inc. in this matter. I have firsthand, personal knowledge of the facts set forth below and if called as a witness could and would competently testify thereto.

2. On May 29, 2020, I accessed Redbubble's website at redbubble.com and performed a search for "adventure dragon atari." That search yielded 20 results, and I captured a screenshot of those results. A true and correct copy of this screenshot is attached hereto as "**Exhibit A.**"

3. On June 9, 2020, I accessed a product listing on Redbubble's website, entitled "Retro Arcade Missile Command Slim Fit T-Shirt." I captured a screenshot of the product listing. A true and correct copy of this screenshot is attached hereto as "**Exhibit B.**"

4. On June 9, 2020, I accessed a product listing on Amazon's website, entitled "Ripple Junction Atari Asteroids Adult T-Shirt." I captured a screenshot of the product listing. A true and correct copy of this screenshot is attached hereto as "**Exhibit C.**"

5. On June 9, 2020, I accessed a product listing on eBay's website, entitled "Atari Classic Logo T-Shirt." I captured a screenshot of the product listing. A true and correct copy of this screenshot is attached hereto as "**Exhibit D.**"

Executed this 10th day of June, at Los Angeles, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

  
\_\_\_\_\_  
Francisco Cuellar

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of June, 2020, I electronically filed the foregoing **DECLARATION OF FRANCISCO CUELLAR IN SUPPORT OF ATARI INTERACTIVE, INC.'S OPPOSITION TO REDBUBBLE, INC.'S MOTION FOR SUMMARY JUDGMENT AND REPLY IN SUPPORT OF ITS MOTION FOR SUMMARY JUDGMENT** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

**SERVICE LIST**

*Atari Interactive, Inc. v. Redbubble Inc.*  
U.S.D.C. N.D. CA, Oakland Division Case No. 4:18-CV-03451-JST  
[Related to Case Nos. 3:18-cv-03843-JST; 3:18-cv-04115;  
4:18-cv-04949-JST; and 19-cv-00264-JST]

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